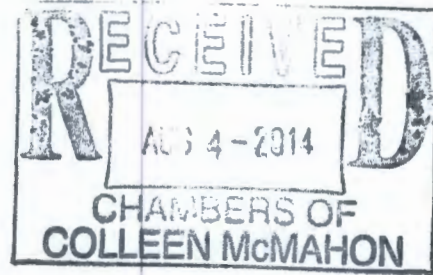


DEYB LLP

August 4, 2014

BY FACSIMILE ONLY

Honorable Colleen McMahon, U.S.D.J.
Southern District of New York
500 Pearl Street, Room 1640
New York, New York 10007



Re: *Perkins v. Air & Liquid Systems, Corp., et al.*, 13 Civ. 8561 (CM)

Dear Judge McMahon:

I write on behalf of defendant Union Carbide Corporation ("Union Carbide") to request that a discovery dispute that counsel cannot resolve on their own be referred to Magistrate Judge Ronald L. Ellis, in conformity with Paragraph 8 of the Civil Case Management Plan in this action dated May 16, 2014.

Briefly, Plaintiff has served defendants, including Union Carbide, with interrogatories that do not comply with Fed. R. Civ. P. 33(a)(1) as they greatly exceed 25 in number. The interrogatories also do not comply with Local Civil Rule 33.3(a) as their scope far exceeds the scope allowed by the Rule. The parties did not stipulate and this Court did not order that such interrogatories could be served.

Union Carbide has attempted in good faith to meet and confer with plaintiff regarding its objections. The interrogatories were served on or about July 17, 2014, and on July 25, 2014 Union Carbide objected to them. When Plaintiff refused to withdraw the interrogatories, Union Carbide offered a compromise. Plaintiff did not respond to this offer of compromise and, accordingly, on July 29, 2014 Union Carbide notified Plaintiff that it would seek court intervention. Plaintiff responded by claiming that it was too busy to address the issue at that time, but offered to address it on Friday, August 1, 2014. Union Carbide agreed, and emailed Plaintiff on August 1, 2014 to request that the parties discuss the issue. Plaintiff did not respond. On August 3, 2014 Union Carbide once more reached out to Plaintiff and asked that the parties discuss the matter and try to avoid having to seek the involvement of the Court. Once again, Plaintiff did not respond.

For the foregoing reasons, Union Carbide requests that the Court refer this case to Magistrate Judge Ronald L. Ellis for discovery supervision.

Respectfully,


Eric Statman, Esq./ES 8544

cc: Alex R. Straus, Esq. (by Fax)

Darger Errante Yavitz & Blau LLP

116 East 27th Street at Park Avenue, 12th Floor, New York, New York 10016

T 212.452.5300 | F 212.452.5301 | www.deyblp.com